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IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**AMENDED SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

10 Plaintiff(s) named below, for their Amended Complaint against Defendants named
11 below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.
12 364). Plaintiff(s) further show the Court as follows:

13 1. Plaintiff/Deceased Party:

14 Michael Newson

15 19450 Lorain Road

16 Fairview Park, Ohio 44126
17

18 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
19 consortium claim:

20 Iris Newson

21 19450 Lorain Road

22 Fairview Park, Ohio 44126
23

24 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
25 conservator):

26 None
27

28 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

Ohio

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Ohio

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Ohio

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Northern District of Ohio Eastern
Division

8. Defendants (check Defendants against whom Complaint is made):

 C.R. Bard Inc.

 Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master
Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

□ G2® Vena Cava Filter

X G2® Express Vena Cava Filter

□ G2® X Vena Cava Filter

Eclipse® Vena Cava Filter

X Meridian® Vena Cava Filter

1 Denali® Vena Cava Filter

2 Other: _____

3 11. Date of Implantation as to each product:

4 January 19, 2012 January 18, 2012

5

6 12. Counts in the Master Complaint brought by Plaintiff(s):

7 Count I: Strict Products Liability – Manufacturing Defect

8 Count II: Strict Products Liability – Information Defect (Failure
9 to Warn)

10 Count III: Strict Products Liability – Design Defect

11 Count IV: Negligence – Design

12 Count V: Negligence – Manufacture

13 Count VI: Negligence – Failure to Recall/Retrofit

14 Count VII: Negligence – Failure to Warn

15 Count VIII: Negligent Misrepresentation

16 Count IX: Negligence *Per Se*

17 Count X: Breach of Express Warranty

18 Count XI: Breach of Implied Warranty

19 Count XII: Fraudulent Misrepresentation

20 Count XIII: Fraudulent Concealment

21 Count XIV: Violations of Applicable Ohio Law Prohibiting
22 Consumer Fraud and Unfair and Deceptive Trade Practices

23 Count XV: Loss of Consortium

24 Count XVI: Wrongful Death

25 Count XVII: Survival

26 Punitive Damages

27 13. Jury Trial demanded for all issues so triable?

28 Yes

No

RESPECTFULLY SUBMITTED this 13th day of June, 2017.

Respectfully submitted,

/s/ John P. Colan

Thomas D. Robenalt (Ohio Reg. 0055960)
John P. Colan (Ohio Reg. 0081778)
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CERTIFICATE OF SERVICE

The undersigned certifies that the above document was served electronically, via the Court's electronic notification system to Counsel of Record on this 13th day of June 2017.

Respectfully submitted,

/s/ John P. Colan

**THOMAS D. ROBENALT (#0055960)
JOHN P. COLAN (#0081778)
THE ROBENALT LAW FIRM, INC.**